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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:- 04.04.2006

Coram:-

The Hon'ble Mr. Justice P.SATHASIVAM
and
The Hon'ble Mr. Justice J.A.K.SAMPATHKUMAR

Habeas Corpus Petition No.14 of 2006

Savithiri ... Petitioner

Vs.

1. The State of Tamil Nadu,
rep. by its Secretary to Government,
Prohibition and Excise Department,
Fort St. George, Chennai-600 009.

2.The District Magistrate and
District Collector of Cuddalore
District, Cuddalore. ... Respondents

Petition under Article 226 of the Constitution of India for the issuance of a Writ of Habeas Corpus to call for the records in the detention order passed in C1/D.O./33/2005 dated 14.11.2005 on the file of the second respondent herein and set aside the same and direct the respondents to produce the body of the detenue Panneerselvi now confined in the Special Prison for Women, Vellore before this Court and set her at liberty.

For Petitioner : Mr.C.Ramkumar

For Respondents: Mr.Abudhukumar Rajarathinam
Govt. Advocate (Crl. Side)

O R D E R

(Order of the Court was made by P.SATHASIVAM, J.)

The petitioner, who is the daughter of the detenue by name Panneerselvi, who was detained as a ''Bootlegger" as contemplated under the Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Drug Offenders, Forest Offenders, Goondas, Immoral Traffic Offenders, Slum Grabbers and Video Pirates Act, 1982 (Tamil Nadu Act 14 of 1982), by the impugned detention order dated 14.11.2005, challenges the same in this Petition.

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2. Heard learned counsel for the petitioner as well as learned Government Advocate for the respondents.

3. At the foremost, learned counsel for the petitioner by drawing our attention to page No.67 of the paper book, which is a remand extension order passed on 11.11.2005 by the Judicial Magistrate No.II, Vridhachalam and also a relied upon document, contended that the translated copy of the same has not been furnished to the detenue. It is not in dispute that though the said document has been relied on by the detaining authority while passing the order of detention, the translated copy of the said order was not furnished to the detenue. The detenue being not conversant with the English language and of the fact that the said document was relied on by the detaining authority, we hold that failure to furnish the Tamil version of the remand extension order vitiates the order of detention. On this ground, we quash the impugned order of detention.

4. Accordingly, the Habeas Corpus Petition is allowed and the impugned order of detention is set aside. The detenue is directed to be set at liberty forthwith from the custody unless she is required in some other case or cause.

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

raa

To

1. The Secretary to the Government, State of Tamil Nadu,Prohibition and Excise Department, Fort St. George, Chennai-600 009.

2.The District Magistrate and District Collector of Cuddalore District, Cuddalore.

3. The Superintendent, Special Prison for Women, Vellore.
(In duplicate for communication to detenue)

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4. The Joint Secretary to Government, Public (Law and Order)
Fort St. George, Chennai-9.

5. The Public Prosecutor, High Court, Madras.

MAB (CO)
km/20.4.

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